



Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT
T-L-BDAG 'AMJED S-WQHO CUDAG HIMDAG PI-K 'ELID

Ned Norris, Jr.
Chairman

Wavalene M. Romero
Vice Chairwoman



December 13, 2013

Gina McCarthy
Administrator
Environmental Protection Agency
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Via Email at McCarthy.gina@Epa.gov and U.S. Mail

Dear Ms. McCarthy:

The Tohono O'odham Nation ("Nation") writes to you to seek your assistance. The proposed Rosemont Copper Project, located in Ce:wi Duag (Santa Rita Mountains), a Traditional Cultural Place for the Tohono O'odham, appears to be bound for approval. The Nation has attempted to relay its concerns to the Forest Service regarding the Project numerous times and in numerous ways. The Nation actively participated in the National Historic Preservation Act Section 106 tribal consultation process, has held meetings with Forest Service staff, and has corresponded with Secretary Vilsack, among other activities. Ultimately, due to the Forest Service's failures to adequately address the Nation's concerns over the widespread destruction of cultural and natural resources that the Project will cause on Ce:wi Duag, the Nation chose not to sign the Section 106 Memorandum of Agreement for the Project.

The Nation has numerous concerns with this Project, the most significant of which is the destruction of cultural resource sites that are significant to the Nation and to other tribes including Ak-Chin Indian Community, Gila River Indian Community, Salt-River Maricopa Indian Community, Pascua Yaqui Tribe, Hopi Tribe, Zuni Tribe, Mescalero Apache Tribe, White Mountain Apache Tribe, San Carlos Apache Tribe, and Fort Sill Apache Tribe. Ce:wi Duag is located within the historic Papagueria, which extends over an area much wider than the current boundaries of the Nation. Under the proposed action, 85 cultural resource sites on Ce:wi Duag will be buried, destroyed, or damaged, 31 of which are known or likely to have human remains.¹ Historic villages, ancestral resting places, and resource gathering areas will all be

¹ Final Environmental Impact Statement ("FEIS") at 1021-1022.

destroyed. One of the cultural resource sites that will be adversely impacted is Huerfano Butte, which is a Traditional Cultural Place for Tohono O'odham. The butte was historically a place to make an offering en route to Ce:wi Duag and is still in use today. Two cached pots containing hundreds of turquoise and shell beads and ornaments were collected from the site, one of which is curated at the Arizona State Museum.² In addition to specific cultural resource sites being destroyed, 6,177 acres of traditional resource collection areas will be adversely impacted.³ As noted in the FEIS, the "impact on Native Americans of desecration of land, springs, burials, and sacred sites" is "notable."⁴ Indeed, the impact upon the Tohono O'odham Nation and other tribes is beyond "notable." The entire cultural landscape of Ce:wi Duag will be irrevocably altered. Tohono O'odham have frequented Ce:wi Duag for thousands of years to pray and gather traditional plants and other resources. If the proposed action is implemented, that tradition will be destroyed. The destruction of so many cultural resource sites simply cannot be mitigated.

The Nation is also concerned that the Forest Service has failed to consider the Project's impacts upon the natural resources in the area, most significantly, its impact upon s-o'ohi mavid (jaguar). One jaguar has been known to frequent the area. In fact, it is the only jaguar known to freely roam the United States. S-o'ohi mavid prefer wild, open terrain. The Project may have disastrous impacts upon this animal and may destroy efforts to reintroduce s-o'ohi mavid, an animal significant to the Tohono O'odham, to the area in the future.

The Nation requests that this Project be elevated to the Council on Environmental Quality ("CEQ"). The Nation feels that it has exhausted all efforts with the Forest Service and would like CEQ to weigh in on this significant Project. The Nation believes that the Project meets the criteria set out in the CEQ regulations.⁵ The Project will have a severe impact upon the cultural resources of the Nation and other tribes in the area. In addition, the impact on natural resources in the area is severe. The geographical scope is quite great. Although active mining may only occur over a 20-25 year period, the impact to the land will be irreversible.⁶ As set out in the FEIS, reclamation of the area is planned, however, as the Nation has first-hand knowledge, mine reclamation particularly in an arid desert environment can never replace what was destroyed. Further, the precedent that a Project of this size will set is significant. The scope of cultural resource destruction is incomparable to other recent projects in the area. The Nation is concerned that if this Project is approved with little substantive contribution allowed by the Nation, that it could set a precedent for other Projects in the future. Finally, the Nation believes that there are environmentally preferable alternatives available that would minimize the adverse impact on cultural resources and believes that the Project may not comply with national

² FEIS at 1034.

³ FEIS at 1022.

⁴ *Id.*

⁵ 40 C.F.R. § 1504 *et seq.*

⁶ FEIS at xviii.

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standards and policies. In short, the Nation believes that this Project meets the criteria set out in the regulations for referral to the CEQ and urges you to consider referring this Project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ned Norris, Jr.", written in a cursive style.

Dr. Ned Norris, Jr., Chairman

cc: Jared Blumenfeld, Administrator, EPA Region 9
Jim Upchurch, Supervisor, Coronado National Forest
Secretary Thomas Vilsack, Department of Agriculture
Honorable Raul Grijalva